

APPEAL NO. 041370
FILED JULY 26, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 13, 2004. The hearing officer determined that the appellant's (claimant) _____, compensable injury does not include the results of a lumbar spine MRI study dated April 25, 2002; the results of a lumbar MRI study dated August 16, 2002, which are correlated with a report of a previous study from April 2002; the results of a lumbar MRI study with Gadolinium Enhancement dated June 13, 2003; the results of an EMG/NCV study dated August 26, 2003; lumbar psuedoarthrosis; cervical spine injury, C4-5, C5-6, C6-7 other level degenerative spondylosis with spinal cord effacement but no compression; heart condition; gastrointestinal condition; seizure disorder; hiccups; and/or constipation. The claimant appealed and the respondent (self-insured) responded, urging affirmance.

DECISION

Affirmed.

Extent of injury is a question of fact. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The trier of fact may believe all, part, or none of the testimony of any witness. Taylor v. Lewis, 553 S.W.2d 153, 161 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.); Aetna Insurance Co. v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). Although there was conflicting evidence, the hearing officer was not persuaded by the evidence presented by the claimant that the compensable injury includes the above-listed conditions. In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**(SELF-INSURED)
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Daniel R. Barry
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge